

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

IN RE:

BAY CIRCLE PROPERTIES, LLC

DEBTOR(S)

**CHITTRANJAN “CHUCK”
THAKKAR and DCT SYSTEMS
GROUP, LLC,**

Plaintiffs / Appellants,

V.

**BAY POINT CAPITAL PARTNERS,
LP, BAY POINT ADVISORS
LLC, CHARLES ANDROS, JOHN
DOE 1, and JOHN DOE 2,**

Defendants / Appellees.

Chapter 11

Adversary No.: 17-05248

Bankruptcy No.: 15-58440-WLH

STATEMENT OF ISSUES TO BE PRESENTED

COME NOW CHITTRANJAN “CHUCK” THAKKAR and DCT SYSTEMS GROUP, LLC (“Appellants”), pursuant to Federal Rule of Bankruptcy Procedure 8009(a), and hereby states the issues to be presented on appeal:

The bankruptcy court erred when it:

1. Held that a breach of an express provision of the agreement at issue was required to invoke the implied duty of good faith and fair dealing.

2. Held that Bay Point was not required to exercise its discretion, specifically its election of remedies, in good faith.
3. Held that Chuck Thakkar's tender of the full amount owing into the escrow account of his attorney, John Christy, was a proposal to pay and not an effective tender.

/s/ Devin B. Phillips

Date: 2/06/2018

DEVIN B. PHILLIPS

Georgia Bar No.: 189782

Weener & Nathan LLP

5887 Glenridge Drive, NE, Suite 275

Atlanta, Georgia 30328

Telephone: (770) 392-9004

Fax: (770) 522-9004

Email: dphillips@wnllp.com

Attorney for Appellants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Statement of Issues Presented to the Court* with the Clerk of Court using this Court's CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

John F. Isbell
Garrett A. Nail
Thompson Hine LLP
Two Alliance Center
3560 Lenox Road, Suite 1600
Atlanta, Georgia 30326
john.isbell@thompsonhine.com; garrett.nail@thompsonhine.com

This 6th day of February, 2018.

/s/ Devin B. Phillips
Devin B. Phillips
Georgia Bar No.: 189782